

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SIEMENS INDUSTRY SOFTWARE, INC.,	§	
	§	
<i>Plaintiff,</i>	§	CASE NO. 23-498
	§	
v.	§	
	§	
DOES 1 – 268,	§	JURY TRIAL DEMANDED
	§	
<i>Defendants.</i>	§	

MOTION TO QUASH SUBPOENA

Defendant Jon Doe No. 160 (IP Address 107.145.105.102) (“Defendant”) files this motion to quash the subpoena served on Charter Communications (the “Charter Subpoena”) requiring disclosure of information specific to Defendant’s Spectrum Internet account on or before Thursday, September 28, 2023.

Specifically, Defendant objects that the information sought in the Charter Subpoena is personal, private information specific to Defendant that should not be disclosed and made part of the public record. Additionally, and pursuant to Federal Rule of Civil Procedure 26, Defendant is represented by counsel and discovery as to this Defendant should not open until the Rule 26f conference has been completed. FED. R. CIV. PROC. 26(d)(1) (“[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order”).

Still further, the requested information could be disclosed at a later date—after the Rule 26f conference has been completed—and subject to a protective order in a way that provides Plaintiff with the information it is requesting but in a manner designed to protect the confidential nature of the information and Defendant’s own privacy concerns.

For all of these reasons, Defendant Jon Doe No. 160 (IP Address 107.145.105.102) respectfully requests that the Court quash the Charter Subpoena as to Defendant until such time as the Rule 26f conference can be completed and an adequate protective order put in place by the Court in this matter.

Dated: September 27, 2023

Respectfully Submitted,

/s/ Brian Casper

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ATTORNEYS FOR DEFENDANT

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CERTIFICATE OF CONFERENCE

On September 26, 2023, counsel for Plaintiff and counsel for Defendant conferred on the relief requested herein. As the parties could not reach agreement on the requested relief, this motion is ripe for consideration and ruling by this Court.

/s/ Brian Casper
Brian Casper

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 27, 2023, the foregoing was filed electronically with the Clerk of the Court via the CM/ECF system, which will deliver electronic notification to all registered counsel of record.

/s/ Brian Casper
Brian Casper